

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

CRIMINAL NO. 15-cr-20446

Plaintiff,

HON. DAVID M. LAWSON

v.

D-1 KENYETTA WILBOURN SNAPP,

Defendant.

GOVERNMENT’S SENTENCING MEMORANDUM

The United States of America, by and through its attorneys, Barbara L. McQuade, United States Attorney, and J. Michael Buckley and Frances Lee Carlson, Assistant United States Attorneys, submits that for the reasons provided below, a sentence of 20 months’ imprisonment, which takes into account the defendant’s cooperation, is sufficient but not greater than necessary to achieve the purposes set forth in 18 U.S.C. § 3553(a)(2).

I. FACTUAL AND PROCEDURAL HISTORY

A. Plea

On February 4, 2016, the defendant pled guilty pursuant to a plea agreement to one count of conspiracy to commit federal program bribery, in violation of 18

U.S.C. §§ 371 and 666, and one count of federal income tax evasion, in violation of 26 U.S.C. § 7201. Snapp's guilty plea arises from her participation in a conspiracy to accept illegal kickback payments from after-school tutoring vendor and co-defendant, Glynis Thornton. The plea agreement recommended the guideline range to be 37-46 months, based on a total offense level 21 and a criminal history category I.

According to the cooperation provisions of the plea agreement, on May 24, 2016, the government filed a motion for downward departure recommending a sentence of 20 months.

B. Facts

The Educational Achievement Authority ("EAA") of Michigan was a new public school district created in 2011 by the State of Michigan to turn around the academic performance of students in the state's lowest achieving schools, starting with fifteen (15) underperforming schools in the Detroit Public School ("DPS") system. Beginning with the 2012-2013 school year, the State of Michigan, through its newly formed EAA, took authority over these fifteen DPS schools including Denby High School and Mumford High School.

From 2009 until June 2012, Kenyetta Wilbourn Snapp was employed by DPS as Principal of Denby High School. Denby was taken over by EAA in June 2012, and Snapp was one of only two DPS principals hired by the EAA. The EAA

kept Snapp as Principal of Denby until November 2014, at which time the EAA hired Snapp to serve as Principal of Mumford High School.

Co-defendant Glynis Thornton owned and operated M.A.D.E. Training & Consulting, Inc., also known as Making A Difference Everyday. M.A.D.E. offered, among other things, to provide public schools with after-hours tutoring services.

Co-defendant Paulette Horton was an independent contractor who conducted regular work for Thornton and M.A.D.E., which included clerical and administrative duties. In October 2009, Horton incorporated her own consulting business called Picking Up the Pieces, Inc.

Snapp selected Thornton's M.A.D.E. as the vendor for after-hours tutoring services at EAA's Denby High School and then Mumford High School. Thornton paid Snapp money in return for the selection and retention of M.A.D.E. as the after-hours tutoring vendor at Denby and Mumford. Thornton sometimes disguised these payments by making checks payable to Snapp's "Foremost Consulting, Inc." or to Snapp's family members.

At some point during this conspiracy, but before April 2013, Thornton called a meeting between herself, Horton, and Snapp. At this meeting, Thornton stated that she would no longer make payment directly to Snapp, but proposed an arrangement by which M.A.D.E. checks would be issued to Horton's "Picking Up the Pieces, Inc." consulting firm. Horton would then cash those checks and deliver

the cash to Snapp. Horton advised that her bank would not allow her to cash Picking up the Pieces checks, but that she could deposit the checks and withdraw the cash to deliver it to Snapp. According to Horton, she was told by Thornton to withhold 10% of the check amounts to “pay the taxes.”

All three agreed to Thornton’s proposed arrangement. Thereafter, Thornton issued (or would direct Horton to issue) checks payable to Horton’s Picking Up the Pieces, Inc., intending them to be kickback payments to Snapp. Snapp would then accompany Horton to the bank and wait in the car while Horton deposited the checks. Horton would then bring 90% of the check amount, in cash, and deliver it to Snapp. On the following dates, among others, Horton, at Thornton’s direction, deposited M.A.D.E. checks into her Picking Up the Pieces bank account, and then withdrew approximately 90% of each of the deposited checks in cash and gave it to Snapp as kickbacks:

	Date of Deposit	Payor	Payee	Amount of Deposit
a.	4/18/2013	M.A.D.E.	Picking Up the Pieces	\$5,000
b.	5/28/2013	M.A.D.E.	Picking Up the Pieces	\$13,000
c.	7/25/2013	M.A.D.E.	Picking Up the Pieces	\$7,500
d.	8/2/2013	M.A.D.E.	Picking Up the Pieces	\$3,000
e.	9/18/2013	M.A.D.E.	Picking Up the Pieces	\$8,000
f.	10/18/2013	M.A.D.E.	Picking Up the Pieces	\$3,000
g.	10/29/2013	M.A.D.E.	Picking Up the Pieces	\$2,000
h.	11/14/2013	M.A.D.E.	Picking Up the Pieces	\$5,500

i.	1/28/2014	M.A.D.E.	Picking Up the Pieces	\$3,500
j.	3/26/2014	M.A.D.E.	Picking Up the Pieces	\$3,500
k.	4/11/2014	M.A.D.E.	Picking Up the Pieces	\$3,500

Between April 2013 and July 2014, Snapp corruptly accepted kickbacks totaling approximately \$58,050. Also, Snapp willfully failed to report this unlawful income to the IRS in her 2012 Form 1040 U.S. Individual Income Tax return resulting in underpaid income tax due and owing in the amount of \$26,233.

In November, 2014, after the FBI executed a search warrant at her home, Snapp resigned her position as Principal of EAA's Mumford High School.

II. SENTENCING GUIDELINE CALCULATIONS

As reflected in the plea agreement, the parties anticipated a guideline range of 37 to 46 months based on a total offense level of 21. The probation department calculated a guideline range of 46 to 57 months based on a total offense level of 23. The difference in calculation is due to the fact that the probation department applied a four-level increase pursuant to USSG § 2C1.1(b)(3), reasoning that the offense involved a public official in a high-level decision-making position. Probation also did not apply the two-level "abuse of trust" increase included in the parties' calculation, resulting in a net increase of two points in the total offense level.

As the Court is aware, on May 24, 2016, the government filed a motion for downward departure recommending a sentence of 20 months based on Snapp's cooperation. As a result, if the Court grants the motion, the inconsistency in calculations would likely be moot.

III. SECTION 3553(a) SENTENCING FACTORS

In determining the appropriate sentence, the Court should not simply rely on the Guideline calculations, but should consider all of the factors in the Sentencing Reform Act and, in particular, those set forth in 18 U.S.C. § 3553(a). These factors include (i) the nature and circumstances of the offense, and the history and characteristics of the defendant; (ii) the need for the sentence imposed to reflect the seriousness of the offense, promote respect for the law, and provide just punishment for the offense, and (iii) the need for the sentence imposed to afford adequate deterrence to criminal conduct.

In this case, absent the government's motion for downward departure, a guideline sentence is warranted. However, because the defendant did cooperate with the government, a sentence below the guideline range is appropriate.

A. Nature and Circumstances of the Offense

This fraud on the EAA and the children of Detroit was a very serious offense. The EAA was specifically formed to turn around the academic performance of students in the state's lowest performing schools, starting with

fifteen (15) underperforming schools within DPS. Snapp was hired by the EAA to help lead and carry out this mission. She was entrusted with the responsibility of ensuring that the struggling students at her school were receiving every tool and benefit available to improve their academic performance. Snapp abused the trust placed in her, and made decisions to hire M.A.D.E. to provide after-school tutoring services, motivated by what she *personally* stood to gain, instead of what was best for her students. In violation of her responsibilities, Snapp participated in a conspiracy to accept 11 kickback payments totaling \$58,050 from Glynis Thornton as a reward for hiring Thornton's company to provide services to Snapp's schools.

B. History and Characteristics of Defendant Snapp

Snapp has no criminal history. The PSR provides a detailed account of Snapp's personal background.

C. Seriousness of the Offense, Promoting Respect for the Law, Providing Just Punishment, and Affording Adequate Deterrence

Snapp's corrupt acceptance of kickbacks was not a crime resulting from a single decision or a momentary impulse. She accepted 11 kickbacks over the course of one year, ranging in amounts from \$1,800 to \$11,700. This was a calculated crime that she committed over a long period of time, even agreeing to modify the payment scheme to help better conceal her receipt of illegal kickbacks.

In prosecutions such as this, the sentence imposed is important to promote respect for the law. Congress enacted 18 U.S.C. § 666 to "protect the integrity of

the vast sums of money distributed through Federal programs from theft, fraud, and undue influence by bribery.” S. Rep. No. 98-225, p. 370 (1983). The sentence imposed should reflect this purpose. Snapp was a public official, and was entrusted to serve the EAA honestly, with the best interests of her school in mind. The spectacle of a school principal corruptly using her position for her own financial benefit does untold damage to the faith of our citizens in the education being provided to their children. Undoubtedly, many members of the community are wondering how pervasive this type of corruption is in our educational system.

Given the difficulties of uncovering and prosecuting this type of corruption, the deterrent impact of a prison sentence is also important. The Eleventh Circuit emphasized the important role that prison sentences have in deterring economic-based crimes in *United States v. Martin* when it recognized that “[b]ecause economic and fraud-based crimes are more rational, cool, and calculated than sudden crimes of passion or opportunity, these crimes are prime candidates for general deterrence.” 455 F.3d 1227, 1240 (11th Cir. 2006)(internal citations omitted). Especially in a public corruption case, it is important to send a message that this type of conduct will not be tolerated, and that the penalties for committing crimes such as these are severe.

CONCLUSION

For all of the above reasons, a sentence of imprisonment of 20 months, is necessary. Such a sentence would serve to adequately punish the defendant for her actions, while taking into account the substantial assistance she provided to the government. In addition, this sentence would promote respect for the law and serve as deterrence for others.

The government further requests that the Court order full restitution, as agreed to by the parties in the plea agreement, in the amount of \$58,050 to the EAA, and \$26,233 to the IRS.

Respectfully submitted,

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Date: May 25, 2016

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CERTIFICATE OF SERVICE

I certify that on May 25, 2016, I electronically filed the *Government's Sentencing Memorandum* with the Clerk of the Court using the ECF system, which will send notification of such filing to the following ECF participant:

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Dated: May 25, 2016